

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN TOUCH CONCEPTS, INC.,

Plaintiff,

-against-

CELLCO PARTNERSHIP, et al.,

Defendants.
-----X

P. KEVIN CASTEL, District Judge:

13 Civ. 1419 (PKC)

ORDER

On January 3, 2012, some of the above-listed defendants filed a notice of removal pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d). (Docket No. 1.) The notice of removal states that the Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over claims that formed part of the same case or controversy. Plaintiff's amended complaint "withdrew the class action claims." (Pl. Mem. at 52; see also First Am. Compl.) Providing a cursory analysis of the issue, plaintiff's brief in opposition to the pending motions to dismiss asserts that the Court still has subject matter jurisdiction over its state law claims. (Pl. Mem. at 52-53.) Within fourteen (14) days of this Order, the parties shall submit simultaneous letter briefs addressing: 1) whether the Court continues to have subject matter jurisdiction in this case; and 2) assuming the Court has subject matter jurisdiction, whether the Court must exercise supplemental jurisdiction over plaintiff's remaining state law claims.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 20, 2013

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